

DETAILED ACTION

Claims 1, 3-13, 15-29, 34-74 are pending. Claims 1, 4-13, 15-29, and 34-47 have been amended and claims 55-74 have been added in this communication filed 7/16/09 entered as RCE with Amendment and IDS.

The IDSs filed 7/17/09, 11/13/07, 6/07/07, 7/17/09 and 9/25/09 have been considered and entered.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/16/09 has been entered.

EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants', and amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone communication by Attorney Chris Agnew on 22 September 2009.

In the claims

Claims 3, 17-24, and 34-36 have been cancelled as follows:

1. (Previously Amended A method comprising:

determining, by a processor of a computer, a first set of entries in a competition, in which each entry of the first set of entries corresponds to a respective team of a set of teams participating in the sports competition and in which the sports competition has one or more stages; at least one entry to be determined a winning entry based on an occurrence of an event associated with the activity;

of distributing, by the processor, the first set of entries to a plurality of users; to at least one buyer; and

receiving, by the processor, a buy order placed by a first user of the plurality of users, in which the buy order is associated with at least one entry of the first set of entries;

receiving, by the processor, a sell order placed by a second user of the plurality of users associated with the at least one entry of the first set of entries, in which the second user does not own the at least one entry at a time the sell order is placed;

matching, by the processor, the buy order with the sell order thereby creating a short sale of the at least one entry to the first user;

settling, by the processor, with the second user, at a predetermined time, any differential between a first price of the at least one entry at the time the sell order is placed and a second price of the at least one entry at the predetermined time;

determining, by the processor, a winning entry of the first set of entries based on at least one first outcome of the sports competition; and

paying, by the processor, a payout to one or more users who hold the winning entry.

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2. (Previously Canceled).

3. (Currently canceled)

4. (Previously Amended) The method of claim 1, in which distributing the first set of entries executing a first initial distribution comprises conducting a lottery for the first set of entries.

5. (Previously Amended) The method of claim 1, in which distributing the first set of entries executing a first initial distribution comprises conducting an auction for the first set of entries.

6. (Previously Amended) The method of claim 1, further comprising: distributing, by the processor, a second set of entries for the ~~first~~ activity sports competition; and conducting, by the processor, trading of at least one entry of the second set of entries.

7. (Previously Amended) The method of claim 6, in which any trading of entries of the first set of entries is discrete from the trading of entries of the second set of entries.

8. (Previously Amended) The method of claim 6, in which any trading of entries of the first set of entries is commingled with the trading of entries of the second set of entries.

9. (Previously Amended) The method of claim 1, further comprising: distributing, by the processor, a second set of entries for an activity: and conducting, by the processor, trading of at least one entry of the second set of entries.

10. (Previously Amended) The method of claim 9, in which the activity comprises a

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second sports competition, is the same type of activity as the second activity.

11. (Previously Amended) The method of claim 9, in which the activity comprises a financial market activity, is a different type of activity from the second activity.

12. (Previously Amended) The method of claim 9, in which any trading of entries of the first set of entries is discrete from the trading of entries of the second set of entries.

13. (Previously Amended) The method of claim 9, in which any trading of entries of the first set of entries is commingled with the trading of entries of the second set of entries.

14. (Previously Canceled).

15. (Previously Amended) The method of claim 1, further comprising:

receiving, by the processor, from first user a request to auction the at least one entry;
and receiving, by the processor, from a third user of the plurality of users a first bid request for the at least one entry.

16. (Previously Amended) The method of claim 15, further comprising;

receiving from a fourth user of the plurality of users a second bid request higher than the first bid request; and

transferring the at least one entry to the fourth user.

17-24 (Currently Canceled)

25. (Previously Amended) The method of claim 1, further comprising: accepting, by the processor, payment for the at least one entry from the first user.

26. (Previously Amended) The method of claim 1, further comprising:

accepting, by the processor, confirmation of payment for the at least one entry by the first user.

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27. (Previously Amended) The method of claim 1, in which distributing the first set of entries comprises distributing all or a portion of the first set of entries in a single bundle to one or more users of the plurality of users.

28. (Previously Amended) The method of claim 27, in which the single bundle is distributed prior to conducting [[the]] ~ trading of entries of the first set of entries.

29. (Currently Amended) The method of claim 27, in which the single bundle is distributed after commencement of trading of entries of the first set of entries.

30-33. (Canceled).

34-36 (Currently canceled)

37. (Previously Amended) The method of claim 1, in which the payout comprises money.

38. (Previously Amended) The method of claim 1, in which the payout comprises a non-cash prize.

39. (previously Amended) The method of 1, in which the payout comprises at least a portion of fees paid for the first set of entries during the distributing of the first set of entries, sled.

40. (Previously Amended) The method of claim 1, in which the payout is at least partially based on an amount of revenues generated by the distributing of the first set of entries,

41. (Previously Amended) The method of claim 1, further comprising:
receiving, by the processor, a commission ~ for transfer of at least one or more entries of the first set of entries.

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42. (Previously Amended) The method of claim 1, in which any trading of the first set of entries begins as soon as entry one or more entries of the first set of entries_are is distributed.

43. (Previously Amended) The method of claim 1, in which any trading of the first set of entries begins after all of the first set of entries is distributed.

44. (Previously Amended) The method of claim 1, in which any trading of the first set of entries begins after a predetermined number of entries of the first set of entries are distributed.

45. (Previously Amended) The method of claim 1, in which any trading of the first set of entries is closed at a predetermined time.

46. (Previously Amended) The method of claim 1, in which any trading of the first set of entries is closed before a start of the sports competition.

47. (Previously Amended) The method of claim 1, in which any trading of the first set of entries is closed at an end of the sports competition.

48-54. (Previously Canceled)

55. (Previously Presented) The method of claim 1, in which the sports competition comprises a sports tournament.

56. (Previously Presented) The method of claim 55, in which the sports tournament comprises a basketball tournament.

57. (Previously Presented) The method of claim 56, in which the one or more stages comprise one or more basketball games and the set of teams comprises a set of basketball teams.

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58. (Previously Presented) The method of claim 55, in which the sports tournament comprises a soccer tournament.

59. (Previously Presented) The method of claim 1, in which the sports competition comprises a single game competition.

60. (Previously Presented) The method of claim 59, in which the single game competition comprises a baseball game.

61. (Previously Presented) The method of claim 59, in which the single game competition comprises a basketball game.

62. (Previously Presented) The method of claim 59, in which the single game competition comprises a hockey game.

63. (Previously Presented) The method of claim 59, in which the single game competition comprises a soccer game.

64. (Previously Presented) The method of claim 59, in which the single game competition comprises a football game.

65. (Previously Presented) The method of claim 64, in which the stages comprise quarters of the football game.

66. (Previously Presented) The method of claim 1, further comprising:
artificially setting, by the processor, prices of the first set of entries based on a performance of the set of teams.

67. (Previously Presented) The method of claim 1, further comprising:
determining, by the processor, prices of the first set of entries according to market exchanges of the set of entries between at least the plurality of users.

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68. (Previously Presented) An apparatus, comprising: a processor of a computer operable to: determine a first set of entries in a sports competition, in which each entry of the first set of entries corresponds to a respective team of a set of teams participating in the sports competition and in which the sports competition has one or more stages; distribute the first set of entries to a plurality of users; receive a buy order placed by a first user of the plurality of users, in which the buy order is associated with at least one entry of the first set of entries; receive a sell order placed by a second user of the plurality of users associated with the at least one entry of the first set of entries, in which the second user does not own the at least one entry at a time the sell order is placed; match the buy order with the sell order thereby creating a short sale of the at least one entry to the first user; settle with the second user, at a predetermined time, any differential between a first price of the at least one entry at the time the sell order is placed and a second price of the at least one entry at the predetermined time; determine a winning entry of the first set of entries based on at least one first outcome of the sports competition; and pay a payout to one or more users who hold the winning entry.

69. (Previously Presented) The apparatus of claim 68, further comprising: a memory operable to store the sell order.

70. (Previously Presented) A method, comprising: determining, by a processor of a computer, a first set of entries in a sports competition, in which each entry of the first set

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of entries corresponds to a respective individual of a set of individuals participating in the sports competition and in which the sports competition has one or more stages; distributing, by the processor, the first set of entries to a plurality of users; receiving, by the processor, a buy order placed by a first user of the plurality of users, in which the buy order is associated with at least one entry of the first set of entries; receiving, by the processor, a sell order placed by a second user of the plurality of users associated with the at least one entry of the first set of entries, in which the second user does not own the at least one entry at a time the sell order is placed; matching, by the processor, the buy order with the sell order thereby creating a short sale of the at least one entry to the first user; settling, by the processor, with the second user, at a predetermined time, any differential between a first price of the at least one entry at the time the sell order is placed and a second price of the at least one entry at the predetermined time; determining, by the processor, a winning entry of the first set of entries based on at least one first outcome of the sports competition; and paying, by the processor, a payout to one or more users who hold the winning entry.

71. (Previously Presented) The method of claim 70, in which the sports competition comprises a sports tournament.

72. (Previously Presented) The method of claim 71, in which the sports tournament comprises a tennis tournament.

73. (Previously Presented) The method of claim 71, in which the sports tournament comprises a golf tournament.

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74. (Previously Presented) An apparatus, comprising:

a processor of a computer operable to:

determine, by a processor of a computer, a first set of entries in a sports competition, in which each entry of the first set of entries corresponds to a respective individual of a set of individuals participating in the sports competition and in which the sports competition has one or more stages;

distribute, by the processor, the first set of entries to a plurality of users; receive, by the processor, a buy order placed by a first user of the plurality of users, in which the buy order is associated with at least one entry of the first set of entries;

receive, by the processor, a sell order placed by a second user of the plurality of users associated with the at least one entry of the first set of entries, in which the second user does not own the at least one entry at a time the sell order is placed;

match, by the processor, the buy order with the sell order thereby creating a short sale of the at least one entry to the first user;

settle, by the processor, with the second user, at a predetermined time, any differential between a first price of the at least one entry at the time the sell order is placed and a second price of the at least one entry at the predetermined time;

determine, by the processor, a winning entry of the first set of entries based on at least one first outcome of the sports competition; and

pay, by the processor, a payout to one or more users who hold the winning entry.

Reasons for Allowance

Claims 1, 4-13, 15, 16, 25-29, 37-47, and 55-74 are allowed.

. The following is an Examiner's statement of reasons: The best prior art of record, Stronach et al discloses a wagering and automated entry system for race events. Stronach et al does not disclose receiving from a processor a sell order placed by a first user of the plurality of users, receiving by the processor, a sell order placed by a second user of the plurality of users associated with at least one entry of the first set of entries, and matching by the processor, the buy order with the sell order and creating a short sale of the entry to the first user. White, Jr. discloses an exchange method, a matching system including trading activity, and special rules for short sales but does not disclose receiving from a processor a sell order placed by a first user of the plurality of users, receiving by the processor, a sell order placed by a second user of the plurality of users associated with at least one entry of the first set of entries, and matching by the processor, the buy order with the sell order and creating a short sale of the entry to the first user. Tell et al. discloses a short sale involving trading a plurality of securities but does not disclose receiving from a processor a sell order placed by a first user of the plurality of users, receiving by the processor, a sell order placed by a second user of the plurality of users associated with at least one entry of the first set of entries, and matching by the processor, the buy order with the sell order and creating a short sale of the entry to the first user. Jon Kiele discloses trading electricity futures as a being equated to high-stakes poker game but does not disclose receiving from a processor a sell order placed by a first user of the plurality of users, receiving by the processor, a sell order placed by a second user of the plurality of users associated with at least one

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entry of the first set of entries, and matching by the processor, the buy order with the sell order and creating a short sale of the entry to the first user. "Atlantic International Entertainment, Ltd (AIEE) Announces Third License Agreement For Internet Casino Extension (ICE) Product With Imperiamedia, Ltd. discloses Atlantic International Entertainment, Ltd. developing and marketing Internet private network transaction-based products including Internet Casino Extension TM for licensed casinos; webSports TM, an Internet sports wagering system; Lotto Magic TM; a lottery system for private, government and fund-raising purposes; and Bingo Blast (TM) for charity and private organization use but does not disclose receiving from a processor a sell order placed by a first user of the plurality of users, receiving by the processor, a sell order placed by a second user of the plurality of users associated with at least one entry of the first set of entries, and matching by the processor, the buy order with the sell order and creating a short sale of the entry to the first user.

An extensive search of the applicable prior art was done but showed no better references.

Pertinent Prior Art: (US 2001/0047291) Garahi et al. and (US 2007/0010314) Tulley et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dixon Thomas can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

September 28, 2009